

Commissioners
Marisel A. Hernandez, *Chairwoman*
William J. Kresse, *Commissioner/Secretary*
Jonathan T. Swain, *Commissioner*
Lance Gough, *Executive Director*



Minutes Regular Board Meeting

July 10, 2018, 9:30 a.m.

69 West Washington Street, 8th Floor Conference Room, Chicago, Illinois 60602

Board Members:

Marisel A. Hernandez, Chairwoman
William J. Kresse, Commissioner/Secretary
Jonathan T. Swain, Commissioner

Staff:

Lance Gough, Executive Director
Adam W. Lasker, General Counsel
Charles Holiday, Assistant Executive
James P. Allen, Communications Director
Bill Perez, Coordinator Hispanic Outreach
Peter Peso, Deputy Chief Administrative Officer
Lorel Blameuser, Purchasing Agent
Sarita Villarreal, Consultant
Geneva Morris, Videographer
Trish Sheehy

Guests:

Sandy Hed, Election Works
Helene Gabelnick, League of Women Voters of Chicago (LWV Chicago)
Judd Ryan, ES&S
C. Betty Magness, Rainbow PUSH Coalition
Tracy Hartlieb, Equip For Equality (EFE)
Waldeep Singh, Dominion Voting Systems (DVS)
John Poulos, Dominion Voting Systems (DVS)
Eric Coomer, Dominion Voting Systems (DVS)
Sheannse Smith, Dominion Voting Systems (DVS)
Rachel Leven, Better Government Association (BGA)

- I. Call to Order: The Chairwoman called the meeting to order at 9:44 a.m.
- II. Roll Call: All members were present.
- III. Consideration of Agenda: The agenda was approved as presented.
- IV. Approval of Minutes: No Minutes of past meetings were presented for approval.

V. Executive Director's Report

- Executive Director Gough distributed to the Board a letter from the U. S. Department of Justice (DoJ) to the City of Chicago's Corporation Counsel dated June 18, 2018. Mr. Gough reported that he and staff have been working with the DoJ and Equip for Equality on Polling Place accessibility. We are trying to set up a meeting with all the different relevant City Departments and the DoJ. Mr. Gough then introduced Tracy Hartlieb of Equip for Equality to give a status report on the polling place accessibility project.
 - Ms. Hartlieb reported:
 - She and Mr. Gough attended the National Disability Rights Network (NDRN) conference in Baltimore. During the conference EFE had a table where we demonstrated the electronic surveys that we are using in Chicago. People were able to work on a test survey using Ms. Hartlieb's cell phone and call it up on the computer. It seems no one had seen anything like this before. They could see how helpful this could be in the field rather than carrying paper surveys.
 - Equip for Equality is continuing regular meetings with the Board. They will be meeting tomorrow with Adam Lasker and Deborah Moss to continue the work to provide accessibility to the polling places in the City of Chicago
 - Equip for Equality is trying to expand this program, and is working with the ISBE to see if they can get more polling places throughout the state and focusing on methods similar to those that we are using in Chicago because Chicago has been so successful.
 - Commissioner Kresse noted that the letter from the DoJ was dated June 18th and asked Ms. Hartlieb if they had received a response from the Corporation Counsel. Mr. Gough replied that the Corporation Counsel has not responded to the letter and that Mr. Gough has reached out to the Corporation Counsel.
- There is an ISBE Board meeting today at 10:30 and several agenda items involve the Board:
 - Approval of a 2-year certification of our voting system. The public hearings on Automatic Voter Registration (AVR); we had hosted one of the meetings in our lower level.
 - The recent Cybersecurity Conference.
- Cybersecurity conference (Mr. Gough called upon Assistant Executive Director Charles Holiday to report on the conference)
 - Mr. Holiday reported that he, along with Information Technology Department Manager Matt Lin, attended a Cybersecurity conference hosted by the Illinois Association of County Clerks and Records in Bloomington, IL June 19-21. The conference discussed what is at stake and how to secure our systems from attacks. It was a very informative and they are planning another conference.

Commissioner Kresse said that the Secretary of State has sent out a notice that they are starting to roll out the AVR from the Secretary of State and asked if we have gotten any of the applications. Mr. Gough said yes, we have received our first batch of registration applications through the AVR program.

A. Assistant Executive Director's Report (Charles Holiday)

Mr. Holiday reported:

- The agency has begun using the AVR system and we are processing those registration applications through the AVR system.
- The paper version of the Judge of Election application is available at our office. The online application will be available July 16
- On Saturday, June 23rd Mr. Holiday attended the Cook County Democratic Party's training for new Committeemen at the International Brotherhood of Electrical Workers (IBEW) Local 134 hall along with the Board's Manager of Community Services Department, Audra Lewicki. Ms. Lewicki gave insight to the Committeemen on how to assign Judges of Election on the chipollworker site. Once they are registered, committeemen can track as Judges' applications are added.
- On Saturday, June 30th Mr. Holiday attended the 9th Ward's kick-off for Republican election judge sign-ups at Trumble Park along with Mishonda Tarver from our Community Services Department and Commissioner Kresse.
- We are continuing with the day to day operations of the office and preparing staff for the November elections

B. Communications Director (Jim Allen)

Mr. Allen reported:

- He and staff members are meeting tomorrow with officials of the Chicago Public Schools (CPS) to assess different outreach opportunities for the Fall and Spring. We are moving ahead on the mail canvass that we do every year. As discussed at the last meeting, due to some issues with card stock, we are going with a folded mail piece. (Mr. Allen gave the Board members sample). The piece has information about the upcoming elections and an indicator that there's a "voter card" inside so people will be less inclined to discard it. Again, the key to this mailing is not so much to get cards to the voters, but to get the return mail which helps us to clean up the voter rolls.
- We went through a very competitive bid process for the canvass printing. We have made some progress in moving all of our email and websites to a ".gov" URL. There was a delay due to the time needed for the General Services Administration (GSA) and Verisign to understand the unique statutory status of the Chicago Board of Election Commissioners. They finally understood and we are now

proceeding. We only have a few more hurdles to overcome and then we will convert to .gov. Once we are finished with the conversion we will have all of the emails and the website all under a “.gov” URL.

- We are doing the conversion to “.gov” because it will give an added layer of security to our website. While we do not have anything on our website that ties into our balloting/voting or voter registration systems, but in the event of a DDoS (dedicated denial of service) attack this is just one more layer of protection. Commissioner Kresse pointed out that the “.gov” sites are monitored more.

VI. Old Business

A. Infrastructure Projects and Changes in Election Administration

- Mr. Gough stated that we are reviewing voting.

B. Electronic Poll Books

- Mr. Judd Ryan of ES&S reported that things are going fine with the e-poll books. There is not a lot of activity right now.

C. Voting Equipment

- Waldeep Singh of Dominion reported that he and the others from Dominion who were in attendance at this meeting, were going to the ISBE meeting later today for the certification of the Dominion equipment. The Chairwoman stated that she is looking forward to recertification.

D. Legislation (General Counsel Adam Lasker)

- Mr. Lasker reported on three bills that are awaiting the Governor’s signature or veto:
 - HB4469, the bill on pretrial detainees voting, was sent on June 21 to the Governor, so he has until August 20, 2018 to veto it or it will become law on that day.
 - SB2273 passed both Houses and was sent to the Governor on May 18th. Thus, July 17th is the veto deadline or it becomes law. That bill would require the ISBE to use the ERIC, and not use CrossCheck, for getting voter registration information from other states.
 - SB2651 passed both Houses and was sent to the Governor on June 29th. The veto deadline is August 28th. This bill would require us 1) as an election authority, to provide a report to the ISBE every 2-years regarding our election equipment, its status, and what we are using (we would then have to post it on our website, and the ISBE will post the information from all election authorities on their website); 2) to tight the timeframe for Vote by Mail applications received by third-parties to be turned over to the election authority. (There are third-party organizations that send out Vote by Mail applications and have

them sent back to the organization; this would give the third parties seven days from the time they receive them back to turn them over to us, but within 14 days of the election they would have two days. The third-parties also have to have their name and phone numbers on the applications that they send out. Mr. Lasker reported that there were several other bills pending that would require the third-parties who send out applications to provide postage pre-paid envelopes the election authority's address printed on them, however the legislature decided to go with this version. The veto deadline for SB2651 is August 28th.

Discussion ensued between Commissioner Kresse, Mr. Lasker and Mr. Allen.

VII. New Business:

A. Award of Contract for Printing & Mailing of August 2018 Full Voter Canvass to Cardinal Color Group

Purchasing Agent Lorel Blameuser reported that we issued a competitive IFB for this project. The original low bidder was not able to meet the price they initially offered and rescinded their bid.

Cardinal Color Group confirmed that they will be able to meet the obligations of the contract with the pricing they originally offered, including the paper stock requirements.

Commissioner Kresse made a motion to approve a contract with Cardinal Color Group. For the period July 10, 2018 through December 31, 2018 in the amount of \$98,000. Commissioner Swain seconded the motion. The motion was approved by unanimous vote of the Board.

VIII. Legal Report (General Counsel Adam Lasker)

- Mr. Lasker reported that he and Mr. Gough are going to the University of Wisconsin-Madison to participate in the Second Annual Election Sciences, Reform & Administration (ESRA) conference. There will be presentations and discussions by both election professionals and academics from around the country. Messrs. Gough and Lasker will participate in two roundtable discussions. One will be on Managing Voter Registration, including implementation of Election Day Registration in Illinois and Chicago. The other panel will be on the Management of Voter
- Mr. Lasker reported on a lawsuit in which we are Defendants – Segovia, et al vs. the United States. This case is against the United States, the Chicago Board of Elections and Rock Island County, Illinois. This case has gone up to the U.S. Supreme Court on a Petition for a Writ of *Certiorari*. We had originally filed a Waiver of Response, which is very customary, but the Court has actually asked that each of the respondents file a Response Brief. The Board has previously entered into a contract with outside counsel regarding this case; outside counsel

has experience at the Supreme Court level. Mr. Lasker has put in a request to the Illinois Attorney General to finally appear and defend this State law. She had declined to do so at both the District Court and the Appellate Court. Mr. Lasker pointed out that this case involves Plaintiffs challenging a State and a federal law that deals with people who are U.S. Citizens who move to certain U. S. Territories. For certain U.S. Territories you can still vote, but for other territories you cannot. The Board has not taken a position on this law, as it is not our law to defend, so he hopes that the State Attorney General will step in. The Chairwoman asked what we will do if the State does not step in. Mr. Lasker said that we will do as we did in the courts below, for example, at the District Court we were ordered to file a Response Brief, so we filed a Response Brief. Now the Supreme Court is requesting us to file a Response Brief so we will file a Response Brief, as requested by the Court. The responses to the lower courts were done before Mr. Lasker became the Board's General Counsel, but upon reviewing our briefings Mr. Lasker thinks that we did a good job of explaining the history of the law and explaining how we operate under it. What we have not done - and the Plaintiffs keep asking - is explain what was/is the legislative intent or purpose. That is really for the State to answer; we are not in a position to say. So we will file a Response Brief explaining the history of the law and how we operate under it; that is all that we can do. The United States Solicitor General is defending the federal law. The Chairwoman asked if the Illinois State Board of Elections is a Party to the case. Mr. Lasker answered that they are not. The Plaintiffs just happen to have lived in Chicago and Rock Island County and only named those two election authorities; that is why we are in the case. We would be "proper parties" for injunctive purposes if the Court were to tell us to stop operating under that law. While we would be a proper party, we are a "nominal party"; this is why we are asking the State to step in and defend its own law. Mr. Lasker does not understand why the State is not attending, since the United States is.

IX. Financial Report

- A. Balance Sheet and Voucher Listings for the City of Chicago – 2018
Appropriation – 18-05, dated June 26, 2018 in the amount of \$466,600.63

Commissioner Swain moved to approve the Balance Sheet and Voucher Listings for the City of Chicago – 2018 Appropriation – 18-05, dated June 26, 2018 in the amount of \$466,600.63. Commissioner Kresse seconded the motion. The motion passed by unanimous vote of the Board.
- B. Balance Sheet and Voucher Listings for the County of Cook – 2018
Appropriation – 18-05, dated June 26, 2018 in the amount of \$311,863.87

Commissioner Kresse moved to approve Balance Sheet and Voucher Listings for the County of Cook – 2018 Appropriation – 18-05, dated June 26, 2018 in the amount of \$311,863.87. Commissioner Swain seconded the motion and the motion was approved by a 3:0 vote of the Board.

Board of Election Commissioners for the City of Chicago
Regular Board Meeting of July 10, 2018


X. Public Comment:

Communications Director Allen wanted to relay to the Board, we have received through email and a subsequent phone call a request from the Better Government Association (BGA) that for the 2019 Municipal Elections that on the Board's website when we list the candidates or provide a sample ballot that we provide certain contact information for each candidate. Discussion between Mr. Allen and the Commissioners ensued.

XI. Executive Session: None needed.

XII. Adjournment: Commissioner Swain moved to adjourn until the next Regular Board Meeting of July 24th. Commissioner Kresse seconded the motion. The motion was approved by unanimous vote of the Board. The meeting adjourned at 10:12 a.m.

Submitted,



Commissioner William J. Kresse
Secretary